

FIRST REGULAR SESSION

# SENATE BILL NO. 373

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time February 12, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0782S.02I

## AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to school enrollment.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 162, RSMo, is amended by adding thereto one new  
2 section, to be known as section 162.1032, to read as follows:

**162.1032. 1. For purposes of this section, the following terms  
2 shall mean:**

3 **(1) "Department", the department of elementary and secondary  
4 education;**

5 **(2) "Residency", the term as defined under section 167.020, RSMo;**

6 **(3) "School district", a seven director, urban, or metropolitan  
7 school district.**

8 **2. For the school year commencing July 1, 2010, and for each  
9 succeeding school year, a parent or guardian residing in a public  
10 school district may enroll his or her child in a public school in another  
11 school district in the manner provided in this section.**

12 **3. For a parent or guardian to be able to enroll his or her child  
13 in a public school in another school district, the following shall be  
14 required:**

15 **(1) The child shall be enrolled in and attending a public school  
16 located in Missouri; or**

17 **(2) The parent or guardian has registered, or is preparing to  
18 register, the child for kindergarten or first grade.**

19 **4. By January fifteenth of the preceding school year, the parent  
20 shall send notification to the school district of residence and the  
21 receiving district, on an application or forms prescribed by the**

22 department, that the parent or guardian intends to enroll his or her  
23 child in a public school in a school district other than the school  
24 district of residence. If a school district does not have sufficient  
25 capacity to enroll all pupils who submit a timely application, the school  
26 district shall institute an admissions process to ensure all applicants  
27 an equal chance of admission, except that a school district may give  
28 preference for admission to siblings of children who are already  
29 enrolled in the school district under this section.

30         5. If a parent or guardian fails to send notification by January  
31 fifteenth as specified in subsection 4 of this section, the parent or  
32 guardian may request transfer until the third Friday in July of that  
33 calendar year, on an application or forms prescribed by the  
34 department, by sending notification to the school district of residence  
35 and the receiving district, provided that good cause exists for the  
36 failure to meet the deadline. The board of education for the receiving  
37 district shall determine if good cause exists. For purposes of this  
38 subsection, good cause shall mean:

39         (1) A change in a child's residence due to a change in family  
40 residence, a change in the marital status of the child's parent or  
41 guardian, a guardianship or custody proceeding, placement in foster  
42 care, adoption, participation in a substance abuse or mental health  
43 treatment program; or

44         (2) A classification of the child's resident school district as  
45 unaccredited by the state board of education or the revocation of the  
46 charter of a charter school as provided in section 160.405, RSMo,  
47 attended by the child.

48         6. Whenever a federal court-ordered desegregation directive  
49 exists for a school district, enrollment options under this section are  
50 subject to the approval of the court of continuing jurisdiction. The  
51 court order shall govern.

52         7. An application for open enrollment may be granted at any  
53 time with the approval of the receiving district and the school district  
54 of residence. If the request is granted, the board of education of the  
55 receiving district shall notify the parent or guardian and the school  
56 district of residence within five days. The parent or guardian may  
57 withdraw the request to enroll his or her child at any time prior to the  
58 start of the school year. A request for enrollment under this section

59 shall be valid for at least one year, and once granted, shall not require  
60 another application until the pupil has completed all grades available  
61 in the school district.

62 8. Each school district shall adopt a policy for appropriate class  
63 size and teacher-pupil ratios for all grade levels. The policy may allow  
64 for a number of spaces to remain open to accommodate potential  
65 additional pupils who may reside in the district. No school district  
66 shall be required to admit pupils under this section if such admittance  
67 would violate its target class size and teacher-pupil ratio under this  
68 subsection. If a school district denies enrollment to a pupil under this  
69 section, it shall state the grounds for the denial. Each school district  
70 shall maintain records on:

71 (1) The number of transfers requested into and out of the  
72 district;

73 (2) The number of pupils accepted into the district; and

74 (3) The number of pupils denied enrollment into the district.

75 9. If, after enrolling his or her child in the receiving district, the  
76 parent or guardian is dissatisfied, he or she may return his or her child  
77 to the school district of residence upon notification to both the  
78 receiving district and the school district of residence. However, the  
79 parent or guardian shall not be able to reenroll his or her child in the  
80 receiving district at a later time. If the parent or guardian desires to  
81 enroll his or her child in a school district other than the school district  
82 of residence or the initial receiving district, he or she shall follow the  
83 procedures identified in this section.

84 10. If a request filed under this section is for a child requiring  
85 special education under sections 162.670 to 162.999, the request to  
86 transfer to the other district shall only be granted if the individualized  
87 education program team in the receiving district verifies that:

88 (1) The receiving district maintains a special education  
89 instructional program that is appropriate to meet the child's  
90 educational needs; and

91 (2) The enrollment of the child in the receiving district's  
92 program would not cause the size of the class in that special education  
93 instructional program to exceed the maximum class size established in  
94 rules and regulations adopted by the state board of education or  
95 federal guidelines for that program.

96           11. For children requiring special education, a member of the  
97 individualized education program team in the school district of  
98 residence shall be part of the individualized education program team  
99 in the receiving district for the initial planning session or  
100 sessions. The board of education of the school district of residence  
101 shall pay to the receiving district the actual costs incurred in providing  
102 the appropriate special education.

103           12. The statewide assessment scores of pupils who enroll in  
104 another school district under this section shall be treated in the same  
105 manner as the scores of resident pupils in that district.

106           13. A pupil who enrolls in another school district under this  
107 section shall be counted, for state school foundation aid purposes, in  
108 the pupil's school district of residence. Except for pupils residing in a  
109 K-8 school district attending high school in another district under  
110 section 167.131, RSMo, the board of education of the school district of  
111 residence shall pay to the receiving district an annual amount equal to  
112 the product of the weighted average daily attendance of the school  
113 district's resident pupils attending the receiving district school and the  
114 state adequacy target, multiplied by the dollar value modifier for the  
115 sending district, plus local tax revenues per weighted average daily  
116 attendance from the incidental and teachers' funds in excess of the  
117 performance levy as defined in section 163.011, RSMo, plus all other  
118 state aid attributable to such pupils, not exceeding the per pupil cost  
119 in the sending district or receiving district, whichever is less. The  
120 district of residence shall also pay to the receiving district any other  
121 federal or state aid that the district receives on account of such child.

122           14. If a parent or guardian of a child who is participating in  
123 open enrollment under this section moves to a different school district  
124 during the course of either district's academic year, the child's first  
125 school district of residence shall be responsible for payment of the  
126 amount per pupil as calculated under subsection 13 of this section or  
127 special education costs to the receiving district for the balance of the  
128 school year in which the move occurred. The new district of residence  
129 shall be responsible for the payments during subsequent years.

130           15. If a request to transfer is due to a change in family residence,  
131 or where the child resides as a result of a change in a child's parents'  
132 marital status, a guardianship proceeding, placement in foster care,

133 adoption, or participation in a substance abuse or mental health  
134 treatment program, and the child who is the subject of the request is  
135 not currently using any provision of open enrollment under this  
136 section, the parent or guardian shall have the option to keep the child  
137 enrolled in the child's original school district of residence with no  
138 interruption in the educational program. If a parent or guardian  
139 exercises this option, the child's new district of residence is not  
140 required to pay the amount calculated in subsection 13 of this section  
141 until the start of the first full year of enrollment of the child.

142       16. Payments shall be made to the receiving district from the  
143 school district of residence for a child participating in open enrollment  
144 under this section at least twice a year. If a timely payment is not  
145 made, the receiving district shall be entitled to a late charge of up to  
146 three percent a month on the amount overdue, not to exceed three  
147 months. When a payment is more than three months past due, the  
148 department, upon notice from the receiving district, shall withhold the  
149 amount, including interest, from the school district of residence's state  
150 school aid and send payment in full to the receiving district.

151       17. In a public school district that qualified for a small schools  
152 grant under section 163.044, RSMo, the addition of up to five percent  
153 average daily attendance attributable to open enrollment under this  
154 section shall not disqualify the district for the grant. A decrease of less  
155 than five percent from the average daily attendance used to determine  
156 qualification for the grant that is attributable to open enrollment shall  
157 not qualify a school district for the grant.

158       18. Notwithstanding sections 167.131 and 167.241, RSMo, the  
159 parent or guardian shall be responsible for transporting the pupil to  
160 school under this section without reimbursement. A school district may  
161 provide transportation for a pupil to and from a point on an existing  
162 school bus route provided that the parent or guardian transports the  
163 pupil to and from such point. Nothing in this subsection shall be  
164 construed to prohibit a school district from voluntarily providing such  
165 transportation.

166       19. Participation in interscholastic athletics for students  
167 enrolling in another school district under this section shall be governed  
168 by the Missouri State High School Activities Association's requirements  
169 and eligibility criteria and standards.

170           **20. The state board of education shall promulgate rules and**  
171 **regulations necessary to implement the provisions of this section. Any**  
172 **rule or portion of a rule, as that term is defined in section 536.010,**  
173 **RSMo, that is created under the authority delegated in this section**  
174 **shall become effective only if it complies with and is subject to all of**  
175 **the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**  
176 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any**  
177 **of the powers vested with the general assembly pursuant to chapter**  
178 **536, RSMo, to review, to delay the effective date, or to disapprove and**  
179 **annul a rule are subsequently held unconstitutional, then the grant of**  
180 **rulemaking authority and any rule proposed or adopted after August**  
181 **28, 2009, shall be invalid and void.**

✓

Bill

Copy